

AMENDMENT TRANSMITTAL LETTER (Small Entity)Applicant(s): **Kenneth B. CECIL et al**

Docket No.

A-7460.CIP

Serial No.

10/050,967

Filing Date

January 22, 2002

Examiner

Daniel St. Cyr

Group Art Unit

2876Invention: **PROXIMITY CARD WITH INCORPORATED PIN CODE PROTECTION****TO THE COMMISSIONER FOR PATENTS:**

Transmitted herewith is an amendment in the above-identified application.

- ☒ Small Entity status of this application has been established under 37 CFR 1.27 by a verified statement previously submitted.
- ☐ A verified statement to establish Small Entity status under 37 FR 1.27 is enclosed.

The fee has been calculated and is transmitted as shown below.

CLAIMS AS AMENDED

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST # PREV. PAID FOR	NUMBER EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	20 -	20 =	0 x	\$9.00	\$0.00
INDEP. CLAIMS	2 -	3 =	0 x	\$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT					\$0.00

- ☒ No additional fee is required for amendment.
- ☐ Please charge Deposit Account No. _____ in the amount of _____
- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☒ The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. **08-2455**
- ☒ Any additional filing fees required under 37 C.F.R. 1.16.
- ☒ Any patent application processing fees under 37 CFR 1.17.

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Dated:


Signature

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I certify that this document and fee is being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Typed or Printed Name of Person Mailing Correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Kenneth B. CECIL et al

Group Art Unit: 2876

Serial No: 10/050,967

Examiner: Daniel St. Cyr

Filed : January 22, 2002

For : PROXIMITY CARD WITH INCORPORATED
PIN CODE PROTECTION

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Office Action of February 28, 2003, and the references cited therein have now been carefully studied. Reconsideration and allowance of this application are earnestly solicited.

The present invention is directed to a system utilizing a portable device provided with a memory in which personal data information such as, for example, a personal identification number, is included. The portable device would also be provided with a keyboard for physically entering personal data information therein. A receiver would be associated with the device, such as a door or other access device. A user would enter the personal data information into the portable device utilizing its keyboard and then put the portable device in physical contact with the receiver. If the personal data information entered by the user matches the personal data information included in the memory of the portable device, a first signal would be generated and transmitted between the portable device and the receiver. The receiver would then produce a second signal which would operate the device, such as opening the door. It is important to note that the portable device would make the determination that the personal data information entered by the user matches the personal data information included in the memory. Only if a match is sensed by the portable device, would the portable

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G. Stenly
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device produce the first output signal transmitted to the receiver. Therefore, it is crucial to realize that the circuitry within the receiver does not operate to make a determination as to whether access is provided or a device should be operated. Rather, this determination is made in the portable device. Once the portable device makes this determination would the first signal be sent to the receiver. In this embodiment, the portable device must be in physical contact with the receiver in order for the first output signal to be transferred from the portable device to the receiver.

A second embodiment of the present invention utilizes the aforementioned technology to operate a firearm provided with a safety latch. In this embodiment, the portable device would be provided with a memory containing at least one personal identification number as well as a device for entering the personal identification numbers therein. When the user wishes to release the safety latch, the user would enter a personal identification number into the portable device. A comparison means provided within the portable device would compare the personal identification number stored in the device with the personal identification number entered by the user. If this comparison results in a match, a transmission device provided within the portable device would transmit a first signal to a receiver associated with the firearm. The receiver would then produce a second signal used to release the safety latch, thereby allowing the firearm to be utilized. Although the portable device need not be in physical contact with the receiver associated with the firearm, the signal releasing the safety latch would be transmitted only if a valid comparison was made in the portable device. Therefore, in both embodiments, the signal produced by the portable device which is transmitted to the receiver would only occur if the user physically inputted personal identification information into the portable device which would match the personal identification number included in the memory of the portable device.

The Examiner has rejected claims 11, 12 and 14-17 under 35 USC §102(b) as being anticipated by the patent to Imran. This rejection is respectfully traversed.

The patent to Imran is directed to an electronic access card used in conjunction with a lock box. It is important to note that the electronic access card recited in the Imran patent is used merely to transfer information to and from the lock box. There is no teaching in the Imran patent to indicate that the electronic access card is used to open the lock box or a door associated with the lock box. More likely, a real estate agent would gain access to the lock box by using a key. At this point, the electronic access card described in the Imran patent would then have information transferred from the access card to the lock box or vice versa. However, even if the electronic access card was used to open the lock box (a position that the undersigned does not maintain) it still could not be utilized to anticipate or suggest the teachings recited in claims 11, 12 and 14-17.

Claim 11 of the present invention specifically recites a system in which an input device included in the portable device would be used to input information which is then compared to information previously stored in the portable device. Once an appropriate comparison is made in the portable device, and the portable device is in physical contact with a receiver associated with a second device, such as a door, would a signal be produced in the portable device which would then be transmitted to the receiver. Therefore, the teachings of the Imran patent lack two very important features. The first feature is the production of a signal in the electronic access card based upon the comparison made in the access card after information is inputted into the device by the user. Furthermore, it is important to note that the Imran device does not operate when it is in physical contact with the lock box. These features are recited in claim 11 which specifically requires the production of a first output signal only if the personal data information entered into the input device matches information stored therein. Furthermore, the

first output signal produced by the portable device is transmitted to the receiver which is in physical contact with the portable device.

Claims 12 and 14-17 depend from claim 1 and it is mentioned that these claims are also not anticipated from the teachings of the Imran patent. Consequently, reconsideration and withdrawal of the rejection is respectfully urged.

The Examiner has rejected claim 18 under 35 USC §103(a) since it would be old to utilize a magnetic stripe to transfer information from the portable device to a receiver. This rejection is respectfully traversed.

Claim 18 directly depends upon claim 11 which was discussed hereinabove with respect to the Imran patent. As previously described, the Imran patent does not produce a first output signal based upon a comparison between recently entered data with data stored in the electronic access card to gain entry into a key box. Therefore, it is believed that claim 18 which indirectly includes this recitation is not rendered obvious by the Imran patent. Therefore, reconsideration and withdrawal of this rejection are respectfully urged.

The Examiner has rejected claims 1-4, 6, 7 and 9 under 35 USC §103(a) as being unpatentable over the Pugh patent in view of Imran. This rejection is respectfully traversed.

The patent to Pugh is directed to a magnetic actuated firearm locking mechanism employing a decoder means D within the firearm and an encoder means E used to activate the firearm. The encoder E as described in Column 4, lines 3-8 where it is stated "The encoder means (E) typically comprises a magnetized ring (11) for wearing on a finger of a hand gripping the weapon. The magnetic information may be conveyed as a single, relatively uniform magnetic field or as some other magnetically coded information similar to that which is coded on a magnetic tape." Therefore, it is clear that while the encoder E can be loosely compared to the proximity device cited in claim 1, to the extent that it would be utilized in conjunction with the decoder D to operate the firearm, this is where the similarities end. As described with respect to the portable device recited in claim

11, the proximity device is provided with a data source having at least one reference identification number stored therein and including a device for entering a personal identification number therein. Furthermore, a comparison means is provided in the proximity device for comparing the number entered by the user with the number stored in the memory of the proximity device. This must be contrasted with the teachings of the Pugh patent (as well as previously described with respect to the Imran patent) in which the user would not enter information to be compared with stored information which would then produce a signal in the proximity device after such a comparison is made. The Pugh reference merely describes a system in which a user would wear a ring having magnetically coded information which produces a signal sensed by the decoder D. Furthermore, as specifically recited in Column 3, lines 2-5 of the Pugh patent, "Upon the decoder's determination that the signal is from an authorized user, the decoder (D) selectively activates the solenoid means (S), such as by completing an electrical circuit (C)." Therefore, as specifically stated in the Pugh patent, the decoder D would make a determination that the signal is from an authorized user. This is in contradistinction to claim 1 in which the proximity device and not the receiver associated with the firearm would make such a determination. Consequently, since neither the Pugh or Imran patent describe the use of a proximity device or portable device in which a comparison is made therein between stored data and data entered by the user to activate a device or gain access to a restricted area, it is believed that these references do not anticipate or suggest the teachings of claims 1-4, 6, 7 and 9. Consequently, reconsideration and withdrawal of this rejection is respectfully urged.

The Examiner has rejected claim 5 under 35 USC §103 as unpatentable over Pugh in view of the Vardanyan et al patent. This rejection is respectfully traversed.

Claim 5 depends from claim 1 and indicates that the electronic identification system is powered by a solar cell as shown in the Vardanyan patent. Since claim 5 directly depends from claim 1, it is believed for the reasons recited hereinabove,

this claim also contains allowable subject matter. Therefore, reconsideration and withdrawal of this rejection are respectfully urged.

The Examiner has rejected claim 8 under 35 USC §103(a) over Pugh as modified by Imran and further in view of the patent to Tamaka et al. This rejection is respectfully traversed.

Claim 8 recites that dipole antennas are utilized. Since this claim is indirectly dependent from claim 1, it is also believed that this claim does recited patentable subject matter. Therefore, reconsideration and removal of this rejection are respectfully urged.

The Examiner has rejected claims 1-10 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the claims 1-36 of U.S. Patent 6,340,116 in view of the patent to Pugh. This rejection is respectfully traversed.

As previously described, the patent to Pugh is directed to a safety used in conjunction with a locking mechanism for a firearm. This safety would include the use of an encoder E which would not provide the safety utilized by the present invention. Any child or other unauthorized person could merely take the ring or similar encoder E and bring it in proximity to the firearm which would then release the safety. This is contradistinction to U.S. Patent 6,340,,116 to which a proximity device must be included with a keyboard or similar device for entering information which would be then compared to information stored in the memory of the proximity device. Since it is one of the purposes of the present invention as embodied in claims 1-10 to prevent the unauthorized use of a firearm, the teachings of U.S. Patent 6,340,116 and the patent to Pugh would be inconsistent and therefor would not be an obvious extension to an artisan in this field. Therefore, reconsideration and removal of this rejection are respectfully urged.

The Examiner has also rejected claims 11-20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-36 of U.S. Patent 6,340,116.

The Examiner has indicated that the present claimed invention is a broader recitation of the '116 patent. This rejection is respectfully traversed.

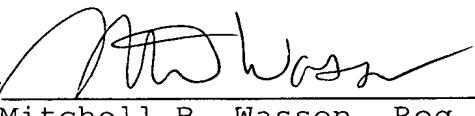
It is respectfully submitted that the teaching embodied in the claims of the present invention are not necessarily broader than the claims (such as claim 1) of the '116 patent. For example, claim 11 of the instant application specifically indicates that the portable device and the receiver must be in physical contact with one another to transmit a first signal from the portable device based upon appropriate comparison of information to the receiver to produce a second output signal. This requirement of the physical contact between the receiver and the portable device is not recited in claim 1 of the '116 patent.

Although claims 10, 13, 19 and 20 were rejected under the judicially created doctrine of obvious-type double patenting, the Examiner is thanked for his indication that, with the exception of this doctrine, these claims do recite patentable subject matter.

It is believed that all of the claims included in this application do recite patentable subject matter. Therefore, reconsideration and allowance of this application are earnestly solicited.

If any fees are due and owing, please charge same to our Deposit Account 08-2455.

Respectfully submitted,

by 

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May 27, 2003

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